

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

JOHN DOES #1-6, on behalf of  
themselves and all others similarly  
situated,

Plaintiffs,

v

RICHARD SNYDER, Governor of the  
State of Michigan; COL KRISTE  
ETUE, Director of the Michigan State  
Police, in their official capacities,

Defendants.

No. 2:16-cv-13137

HON. ROBERT H. CLELAND

MAG. DAVID R. GRAND

**STIPULATED ORDER  
SETTING BRIEFING  
SCHEDULE PENDING  
LEGISLATIVE ACTION TO  
REPLACE OR AMEND  
MICHIGAN'S SORA**

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**STIPULATED ORDER SETTING BRIEFING SCHEDULE  
PENDING LEGISLATIVE ACTION TO  
REPLACE OR AMEND MICHIGAN'S SORA**

On May 23, 2019, this Court entered declaratory relief on the plaintiffs' motion for partial summary judgment, but deferred entry of any injunctive relief for 90 days. *See* ECF #55, Order Granting Declaratory Judgment and for 90-Day Deferral of Decision on Injunctive Relief to Provide Opportunity for Legislative Resolution. The purpose of the delay was to give the Legislature additional time to replace or to amend Michigan's Sex Offender Registration Act (SORA), Mich. Comp. Laws § 28.721 *et seq.*, in light of the Sixth Circuit's decision in *Does #1-5 v. Snyder*, 834 F.3d 696 (6th Cir. 2016).

The parties report that while a working group of state stakeholders has made significant progress on proposed new legislation, no replacement or amended law has yet been introduced. Nonetheless, the 90 days contemplated by this Court's May 23, 2019, order (ECF #55) having elapsed, and pursuant to the terms of that order, the Court now orders as follows:

1. The parties shall file briefs addressing the central issues of the case as framed by the parties, including, for example:

- (a) Whether the 2011 amendments can be severed from SORA, and whether, if the 2011 amendments cannot be severed, the statute is null and void as applied to people who are subject to registration based on offenses committed before April 12, 2011;
- (b) What remedies shall be ordered in this case, and to which subclasses those remedies should apply;
- (c) Whether there are issues of state law that should be certified to the Michigan Supreme Court for decision, or whether this Court should decide those issues.

2. The parties need not brief the question listed in paragraph 2 of the May 23, 2019, order concerning whether the declaratory judgment and any subsequent injunctive relief shall apply to the class members listed in that paragraph 2. The parties have apprised the Court that they wish to focus the current briefing on the questions listed above, and defer briefing on who is covered by any relief this Court may order until after the Court determines what relief is appropriate.

3. The parties' briefs shall be due as follows:

Plaintiffs' brief: 28 days from the date of entry of this order;

Defendants' response: 28 days from the filing of plaintiffs' brief;

Plaintiffs' reply: 21 days from the filing of defendants' response.

4. The plaintiffs may, but are not required, to brief whether this Court, based on its earlier rulings in *Does 1-5 v. Snyder*, 101 F.

Supp. 3d 673 (E.D. Mich. 2015) and *Does 1-5 v. Snyder*, 101 F. Supp. 3d 722 (E.D. Mich. 2015), should grant summary judgment on Count I (Vagueness), Count II (Strict Liability), and Count III (Violations of the First Amendment) of Plaintiffs' Second Amended Complaint (ECF #34).

5. The parties shall submit joint status reports every 30 days updating the Court on the status of legislative negotiations regarding the amendment or replacement of Michigan's SORA.

SO ORDERED.

s/Robert H. Cleland  
Hon. Robert H. Cleland  
U.S. District Judge

Dated: August 27, 2019

Approved by:

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